

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:)	Case No. 24 B 08911
)	
NESTOR D. MUÑOZ,)	Chapter 13
)	
Debtor.)	Hon. Jacqueline P. Cox

**NOTICE OF MOTION OF AMERICREDIT FINANCIAL SERVICES, INC.,
D/B/A GM FINANCIAL FOR RELIEF FROM STAY**

VIA ELECTRONIC NOTICE:

To: Thomas H. Hooper (Trustee) 55 East Monroe Street, Suite 3850 Chicago, Illinois 60603	Vaughn A. White, Esq. (Debtor's Counsel) Vw Law LLC 1700 Park Street, Suite 203 Naperville, Illinois 60563
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VIA U.S. MAIL

To: Nestor D. Munoz (Debtor)
6039 South Massasoit Avenue
Chicago, Illinois 60638

Please take notice that on September 9, 2024 at 9:00 a.m., I will appear before the Honorable Jacqueline P. Cox, or any judge sitting in that judge's place, **either** in courtroom 680 of the Dirksen U.S. Courthouse at 219 South Dearborn, Chicago, Illinois, **or** electronically as described below, and present the Motion of AmeriCredit Financial Services, Inc., d/b/a GM Financial for Relief from Stay, a copy of which is attached.

Important: Only parties and their counsel may appear for presentation of the motion electronically using Zoom for Government. All others must appear in person.

To appear by Zoom using the internet, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by Zoom using a telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is **161 273 2896** and the passcode is **778135**. The meeting ID and passcode can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

Respectfully submitted,

AMERICREDIT FINANCIAL SERVICES, INC.,
D/B/A GM FINANCIAL,
Creditor,

By: /s/ Cari A. Kauffman
One of its attorneys

David J. Frankel (Ill. #6237097)
Cari A. Kauffman (Ill. #6301778)
Sorman & Frankel, Ltd.
180 North LaSalle Street, Suite 2700
Chicago, Illinois 60601
(312) 332-3535 / (312) 332-3545 (facsimile)

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the above-named persons by electronic filing or, as noted above, by placing same in a properly addressed and sealed envelope, postage prepaid, and depositing it in the United States Mail at 180 North LaSalle Street, Chicago, Illinois on August 28, 2024, before the hour of 5:00 p.m.

/s/ Cari A. Kauffman

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
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In Re:) Case No. 24 B 08911
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NESTOR D. MUÑOZ,) Chapter 13
)
Debtor.) Hon. Jacqueline P. Cox

**MOTION OF AMERICREDIT FINANCIAL SERVICES, INC.,
D/B/A GM FINANCIAL FOR RELIEF FROM STAY**

AMERICREDIT FINANCIAL SERVICES, INC., D/B/A GM FINANCIAL (“AmeriCredit”), a creditor herein, by its attorneys, the law firm of Sorman & Frankel, Ltd., respectfully requests this Court, pursuant to Section 362 of the Bankruptcy Code, 11 U.S.C. §362 (West 2024), and such other Sections and Rules may apply, to enter an Order granting relief from the stay provided therein. In support thereof, AmeriCredit states as follows:

1. On June 17, 2024, Nestor D. Muñoz (“Debtor”) filed a Voluntary Petition for Relief under Chapter 13 of the Bankruptcy Code and proposed Chapter 13 Plan (the “Plan”), which is scheduled for a confirmation hearing on September 23, 2024.
2. AmeriCredit is a creditor of the Debtor with respect to a certain indebtedness secured by a lien upon a 2021 GMC Acadia motor vehicle bearing a Vehicle Identification Number of 1GKKNPLS8MZ136074 (the “Vehicle”). (See Ex. “A”).
3. Debtor’s Plan provides for monthly payments to the Trustee of \$1,812.00 for 60 months.
4. Debtor’s Plan identifies AmeriCredit as a secured creditor in Section 3.1 with current installment payments of \$910.00 to be made by the Trustee.
5. Debtor’s Plan also provides that the Trustee is to make monthly payments of \$1,285.59 to Ally Financial and \$685.00 to Wells Fargo.

6. Debtor's Plan, as proposed, is not feasible as the monthly payment to the Trustee is insufficient to cover ongoing monthly payments let alone provide for a cure of existing defaults.

7. Debtor identifies an arrearage owed of \$910.00. The correct arrearage owed by Debtor to AmeriCredit as of the Petition date is \$5,331.71.

8. Every payment attempted since October 26, 2023 has been reversed.

9. As set forth in the Retail Installment Contract attached as Exhibit "A", Debtor was required to tender equal monthly payments to AmeriCredit, each in the sum of \$910.99 with an interest rate of 6.24%. (See Ex. "A").

10. No payments have been received since the filing of this case. The contractual default is \$8,064.68 and the post-petition default is \$2,732.70.

11. The current total outstanding balance due to AmeriCredit from the Debtor for the Vehicle is \$50,303.48.

12. Debtor has failed to provide AmeriCredit or its counsel with proof of a valid full coverage insurance policy for the Vehicle identifying AmeriCredit as the lienholder/loss payee.

13. In addition to the foregoing, Debtor proposes to retain **three** vehicles for a single debtor that is unemployed according to Schedule I.

14. As such, AmeriCredit seeks relief from the automatic stay so that AmeriCredit may take possession of and sell the Vehicle and apply the sales proceeds to the balance due from Debtor.

15. Debtor has not offered, and AmeriCredit is not receiving, adequate protection for its secured interest or depreciating value. Further, Debtor has no equity in the Vehicle and the Vehicle is not necessary to an effective reorganization by Debtor.

16. AmeriCredit will suffer irreparable injury, harm, and damage should it be delayed in taking possession of and foreclosing its security interest in the Vehicle.

17. AmeriCredit requests that Bankruptcy Rule 4001(a)(3) not apply to any Order granting this Motion.

WHEREFORE, AmeriCredit Financial Services, Inc., d/b/a GM Financial respectfully requests that this Court enter an Order, as attached hereto, granting relief from the stay provided by Section 362 of the Bankruptcy Code to permit AmeriCredit to pursue its nonbankruptcy remedies with respect to the 2021 GMC Acadia motor vehicle bearing a Vehicle Identification Number of 1GKKNPLS8MZ136074; and, for such other, further, and different relief as this Court deems just and proper.

Respectfully submitted,

AMERICREDIT FINANCIAL SERVICES, INC.,
D/B/A GM FINANCIAL,
Creditor,

By: /s/ Cari A. Kauffman
One of its attorneys

David J. Frankel (Ill. #6237097)
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